

Remarks

Claims 4-6 are subject to a restriction requirement and withdrawn. Applicants affirm their provisional election to initially prosecute method claims 1-3 and 7-10. However, applicants respectfully renew their argument in traverse of the restriction requirement. The Examiner supports the restriction on the basis that the vehicle body recited in dependent claims 4-6 can be made by a different process, for example by painting anodized aluminum parts.

With the following amendments of claims 1-3 it is submitted that claims 4-6 can be properly considered in this case. The vehicle bodies of claims 4-6 are to be made only by the methods recited in claims 1-3. If the Examiner agrees, authorization is given to delete the phrase "or decorative component parts" from each of presently withdrawn claims 4-6.

Amendments to the Claims

Claims 1-3 and 7-9 have been amended to recite a preferred embodiment of the invention. As disclosed throughout the specification of the subject patent application a preferred embodiment of the invention is to make an aluminum vehicle body structure which is formed of aluminum or aluminum alloys. The aluminum surfaces of the body structure are anodized in an acid solution and then the anodized surfaces are colored by deposition of a coloring material in the pores of the anodized coating. Original claims 1-3 and 7-9 recognized that such a vehicle body structure could be formed and then anodized and colored. The original claims also recited that a set of components for the body structure could be assembled, anodized, and colored prior to assembly of the body. But claims 1-3 and 7-9 are now limited to methods in which a vehicle body, which likely contains several separately made aluminum components, is made and the aluminum surfaces anodized and colored.

Claim 7 has also been amended to delete the unintended repeated phrase "to form." This amendment is believed to satisfy the Examiner's objection to claim 7.

The Claim Rejections

Claims 1-3 and 7-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,884,336. A terminal disclaimer with respect to U.S. 6,884,336 is enclosed with this paper and it is respectfully requested that this rejection be withdrawn.

Claims 1 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al (US Patent No. 5,102,508). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al in view of Gruninger (US Patent No. 4,648,911). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al in view of Gruninger, further in view of Lowenheim (Electroplating McGraw-Hill Book company, New York: 1978, pp. 463-464). It is respectfully requested that each of these claim rejections be reconsidered and withdrawn.

Reasons for Allowance of Claims 1-3 and 7-10

Independent claim 1 recites a method of making a decorative aluminum automotive vehicle body. The body structure comprises, for example, aluminum or aluminum alloy frame members and body panels (paragraphs 0006, 0007, 0014 of the specification). The body must be suitably colored for consumer acceptance and, accordingly, visible surfaces of the aluminum body structure to be colored are anodized. In accordance with claim 1, anodized surfaces are colored by adsorptive coloring, electrolytic coloring, or interference coloring. Dependent claims 2 and 3 recite additional sealing steps to preserve the commercially acceptable color introduced into the anodized surfaces.

Independent claim 7 recites a method for making a decorative aluminum automotive vehicle body similar to claim 1 through the anodizing step of claim 1. Claim 7 requires that the anodizing step produce clear porous oxide surfaces about 10-25 micrometers in thickness. Dependent claims 8-10 recite preferred practices for electrolytically depositing metal particles in pores of the clear porous oxide surfaces prepared in claim 7 to color the vehicle body structure.

The methods recited in claims 1-3 and 7-10 produce a vehicle body structure that may have aluminum panels or components of different compositions. But aluminum surfaces of the body structure are anodized and colored at the same time. The practice of coloring a vehicle body better assures consistent coloring of surfaces of different aluminum sections. The references of record, alone or in combination, do not teach or suggest making a vehicle body structure as recited in the rejected claims.

The Bartkowski et al '508 patent (Bartkowski for brevity) describes processes for producing colored surfaces on parts of aluminum or aluminum alloys. But Bartkowski does not teach or suggest methods for making a vehicle body of aluminum alloy panels and anodizing and coloring the assembled body. The Bartkowski practices are for individual aluminum parts and

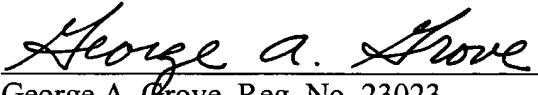
he does not contemplate making a whole vehicle body and coloring the body. Bartkowski's methods are for individual parts as stated at his column 1, 11-16; "...or, in particular, also in automotive manufacture, for instance, for window mounting systems or else as ornamental frames, ornamental moldings and the like." There is a significant difference between making and coloring individual anodized aluminum ornamental moldings for a painted car body and making a vehicle body of aluminum panels and anodizing and coloring the assembled body.

The Grüninger '911 patent and the Lowenheim text are cited for their disclosures of sealing processes for sealing anodic aluminum coatings. But there is no teaching or suggestion in either of these disclosures of a method of making a vehicle body of aluminum pieces and anodizing and coloring aluminum surfaces of the body structure.

Neither the individual references cited by the Examiner, nor any combination of them, teach the methods of making a vehicle body of anodized and colored aluminum surfaces as recited in claims 1-3 and 7-10. Accordingly, it is respectfully requested that all rejections of these claims be reconsidered and withdrawn and the case passed to issue with claims 1-3 and 7-10. It is also urged that the Examiner reconsider her restriction requirement, amend claims 4-6 as stated above, and allow claims 4-6 in this application.

The Director is hereby authorized to charge \$130.00 for the filing fee of the Terminal Disclaimer to Deposit Account No. 07-0960.

Respectfully Submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 1/11/06.


Julia D. Snell